

## REMARKS

Claims 1-9 are in the application as filed.

Claims 1-9 stand rejected under 35 U.S.C. 103(a) as unpatentable over Finklestein et al. ( U.S. 6,283,923 B1)

By this amendment, claims 1, 2, 4, 8, and 9 are amended and new claims 10 through 12 are added. The amendments are made to more clearly point out that the method of the invention is directed to cardiac monitoring and that the cardiac monitoring method of the invention utilizes one or more non-invasive sensors and that impedance measurement data is utilized to obtain cardiac function information.

Claims 10-12 add additional elements to claim 1.

No new matter has been added by the amendments.

Claim 1, as amended, recites, inter alia, "downloading via the Internet a medical testing program from a server, said medical testing program being utilized to provide **non-invasive cardiovascular function related test measurement data**," and "coupling at least one non-invasive sensor to said Internet device, said at least one sensor being non-invasively coupled to and **disposed on a patient to obtain impedance test measurement data**;"

*are not in the claim*  
None of the references cited by the Examiner are directed to cardiovascular function. All of the references are absolutely silent on the use of impedance test measurement data and the disposing of non-invasive sensors on a patient to obtain such measurement data.

Claim 1, as amended, further recites, inter alia, "receiving processed **cardiac function test data** from said server as a download from said server via the Internet; and **displaying said processed cardiac function test data**..."

None of the references cited by the Examiner are directed to obtaining or displaying cardiac function test data.

Finklestein is directed to a system for remote monitoring of asthma patients. Finklestein does not teach the use of sensors disposed on a patient, cardiac monitoring of any kind or impedance measurements.

Wood et al is directed to an ultrasonic diagnostic imaging system and Schulze is directed to patient worn devices. Neither Wood or Schulze has been applied by the Examiner to a rejection of the claims. In the event that the Examiner attempts to apply these references, Applicants will swear back of the filing date of Schulze et al.

INVENTOR: George McBride, et al.  
Serial No.: 09/535,888

Attorney docket: *cardiobeat-3*

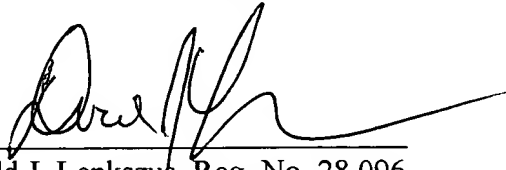
In view of the amendments and the comments made herein, it is believed that the claims are not shown, taught or made obvious by the references taken singly or in combination. It is respectfully submitted that the claims are allowable over the references. It is further submitted that the application is in condition for allowance

Re-examination and reconsideration are requested. It is further requested that the claims be allowed and that this application be passed to issue. An early notice of allowance would be appreciated.

Should the Examiner believe that a telephone conference would be helpful to resolving any issues, the Examiner is invited to call the undersigned at (602) 463-2010.

Respectfully submitted,  
DONALD J. LENKSZUS, P.C.

Dated: May 16, 2003

By:   
Donald J. Lenkszus, Reg. No. 28,096  
P.O. Box 3064  
Carefree, AZ 85377-3064  
Telephone: (602) 463-2010  
Facsimile: (480) 575-1321

#### CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document (and any as referred to as being attached or enclosed) is being mailed by Express Mail No. **EK472091951US** to MS Amendment, Commissioner for Patents, PO BOX 1450, Alexandria, VA 22313-1450 on **MAY 16, 2003**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
DONALD J. LENKSZUS, REG. NO. 28,096